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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2086 OF 1997

Ganesh Bapurao Patil ... Petitioner

V/s

Lokmanya Trust & ors. ... Respondents

Mr. Kiran S. Bapat for the petitioner.

CORAM: SMT. NISHITA MHATRE, J.

DATED: 24TH JANUARY, 2007.

P.C.:

1. This petition has been filed against the interim order passed by the Industrial Court in Complaint (ULP) No. 79 of 1997. By this order, the Industrial Court had rejected the interim relief prayed for by the petitioner. The petitioner had filed the complaint under Item 3, 5, 9 & 10 of Schedule IV of the M.R.T.U. & P.U.L.P. Act, 1971, contending that his transfer from one place to another was malafide. Since the Industrial Court had rejected the application for interim relief, the present petition was filed. While admitting the petition, the interim relief in terms of prayer clause (b) was granted. Prayer clause (b) reads as under :-

"(b) That pending the hearing and final disposal of this writ petition, the respondents No.1 and 2 be restrained by an order of injunction from transferring the petitioner from Kolhapur to New Delhi."

2. Aggrieved by this order, the respondents had preferred L.P.A. No. 124 of 1997. The Division Bench reversed the order granting interim relief.

3. The petitioner has, therefore, joined the duty at the place of transfer and, therefore, there is no need to consider the present petition which has become infructuous. In any event, it has been filed against the interim order. The complaint was filed before the Industrial Court 10 years ago and it has probably reached finality.

4. Hence, petition dismissed. Rule discharged.

5. No order as to costs.